

EXHIBIT “A”

IN THE STATE COURT FOR GWINNETT COUNTY, GEORGIA

CHRISTINA PACE,**Plaintiff,****v.****ODYSSEY LOGISTICS AND
TECHNOLOGY CORPORATION,
ODYSSEY OVERLAND, LLC, and
CAPITAL TRANSPORTATION
SOLUTIONS, LLC,****Defendants.**

No. 21-C-03452-S5**JURY DEMAND**

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, and hereby brings this cause of action for injuries and damages against the Defendants as hereinafter described and respectfully represents as follows:

1. Plaintiff, Christina Pace, resides at 5525 AL Highway 40, Dutton, Alabama.
2. Defendant Odyssey Logistics and Technology Corporation (hereinafter referred to as "Odyssey Logistics") is a corporation formed in Delaware, with its principal place of business located at 39 Old Ridgebury Road, Danbury, CT 06810. Defendant Odyssey Logistics is subject to the jurisdiction of this Court pursuant to the Long Arm Statute, O.C.G.A. § 9-10-90 *et seq.* having committed a tortious act or omission in Georgia as described in this Complaint and/or having transacted business within this state.

3. Defendant Odyssey Logistics, although it regularly conducts business in the State of Georgia, has failed to maintain a registered office in Georgia or to appoint a registered agent in this state with the Georgia Secretary of State.

4. Defendant Odyssey Logistics may be served through its registered agent identified with the Delaware Secretary of State as follows: Corporate Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

5. Defendant Odyssey Overland, LLC (hereinafter referred to as “Odyssey Overland”) is a limited liability company formed in Delaware, with its principal place of business at 1916 Ayrley Town Boulevard, Suite 400, Charlotte, NC 28217. Defendant Odyssey Overland is a subsidiary of Odyssey Logistics, doing business in the State of Georgia. Defendant Odyssey Overland is a Freight Forwarder/Broker/Motor Carrier registered with the Federal Motor Carrier Safety Administration with USDOT Number 2236816; MC-567801; and FF-4999. Defendant Odyssey Overland shows a business address through the Federal Motor Carrier Safety Administration as 39 Old Ridgebury Road, Danbury, CT 06810. Defendant Odyssey Overland maintains an agent for service of process in Georgia through the Federal Motor Carrier Safety Administration (FMCSA) as follows: Cody B. Gillies, 5704 Veterans Parkway, Columbus GA 31904.

6. Defendant Capital Transportation Solutions, LLC (hereinafter referred to as “Capital Transportation”) is a Delaware limited liability company, doing business in the State of Georgia, which according to the Federal Motor Carrier Safety Administration, maintains its principal office at 1915 Vaughn Road, Kennesaw, GA 30152. Defendant Capital Transportation maintains an agent for service of process in Georgia through the

Federal Motor Carrier Safety Administration (FMCSA) as follows: Cody B. Gillies, 5704 Veterans Parkway, Columbus GA 31904. Defendant Capital Transportation maintains a registered agent through the Georgia Secretary of State as follows: Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092. Defendant Capital Transportation is Defendant Odyssey Logistics' Ground Transportation trucking business unit.

7. The Defendants, having committed tortious acts and omissions within this State, and having entered into contracts for services to be rendered or materials to be furnished in this State, are subject to the jurisdiction of this Court per the Long Arm Statutes.

8. Venue is proper in this Court.

9. This cause of action is timely per the Georgia Supreme Court Declaration of Statewide Judicial Emergency, which excludes from calculation the 122 days between March 14 and July 14, 2020 from the calculation of the statute of limitation.

10. On or about January 5, 2019, at approximately 2:21 p.m., Raymond Pace was driving a 2012 Honda Pilot traveling east on I-24 in Dade County, Georgia, stopped in traffic near mile marker 169. Plaintiff Christina Pace was a passenger in the vehicle.

11. At the same time and place, Nuraeni A. Yusuf, in the course and scope of his employment, was operating a 2019 Freightliner tractor-trailer owned by Highboost Corporation.

12. At the above-described time and place, Defendant Yusuf was following too closely and drove into the back of the Pace vehicle.

13. The impact between the tractor-trailer and Plaintiff's vehicle caused property damage and resulted in serious injury to Christina Pace.

14. Plaintiff, Christina Pace, was injured as a direct result of the negligent acts, omissions, and conduct on the part of Nuraeni A. Yusuf, including but not limited to the following:

- a. Failing to exercise due care in violation of O.C.G.A. § 40-6-73;
- b. Failure to maintain a proper lookout;
- c. Failing to see what he should have seen;
- d. Failing to use reasonable care to avoid a collision;
- e. Being negligent under the circumstances and conditions then existing;
- f. Following too closely in violation of O.C.G.A. § 40-6-49;
- g. Negligence *per se*; and
- h. Such other acts as may be shown by the evidence.

15. Prior to the wreck referenced above, PMP Fermentation Products, Inc. contracted with "Odyssey Logistics" to ship 40,000 pounds of Sodium Glucoante from Peoria to GCP Applied Technologies, Inc. located at 6606 Marshall Blvd., Lithonia, Georgia.

16. On the Bill of Lading for the shipment referenced in the foregoing paragraph, "PMP Fermentation Products, Inc." is identified as the "Shipper", and "Odyssey Logistics" is identified as the "Carrier". The Bill of Lading further shows that the freight bill for payment is to "GCP c/o Odyssey Logistics & Technology."

17. At all material times, Defendants were regularly engaged in the selection of motor carriers and routinely and consistently used trucking companies to ship their goods.

18. Highboost and/or Yusef acted as Defendants' agent in transporting the load, and at the time of the wreck, Defendants, or through their agents, exercised control over Highboost and its driver, Yusef.

19. Highboost transported Defendants' load under a bill of lading (BOL).

20. The BOL gave the Defendants the authority to control Highboost in its operation as an interstate motor carrier.

21. At all times relevant hereto, Highboost and Yusef were each acting in the course and scope of the business of the Defendants.

22. Defendants hired Highboost to transport the goods and both Highboost and the Defendants profited from the relationship.

23. Defendants and Highboost formed a joint enterprise to deliver the load that Highboost was transporting at the time of the wreck, and Defendant(s) entered into an agreement with Highboost as to how each would share profits from the delivery of this and other loads in interstate commerce.

24. Defendants acted as a broker between the shipper and receiver identified herein.

25. Defendants acted as a motor carrier for the shipper and receiver identified herein.

26. Pursuant to 49 U.S.C. 14102(a): a "motor carrier providing transportation . . . that uses motor vehicles not owned by it to transport property under an arrangement with

another party” must “have control and be responsible for operating those motor vehicles in compliance with the requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.”

27. Defendants are responsible for the acts, omissions, and conduct of Yusuf in the operation of the tractor trailer pursuant to master/servant/agency/statutory employer/joint-borrowed employee doctrines, negligent entrustment, negligence and negligence *per se*.

28. At all times relevant to this action, Defendants were subject to the minimum safety standards established by the Federal Motor Carrier Safety Regulations (FMCFR), either directly or as adopted by the Georgia Public Service Commission (Ga. Comp. R. & Regs. R. 515-16-4-.01), Georgia Department of Public Safety in the Georgia Department of Public Safety Transportation Rulebook, and other applicable provisions of law. Defendants were required to obey the FMCSR at the time of the collision, which is the subject of this action, and at all relevant times prior to the collision.

29. Defendants will be shown at trial to have violated the FMCSR, which constitutes *negligence per se*.

30. As a result of the Defendants’ negligence, Plaintiff Christina Pace is entitled to damages as shown by the evidence, including but not limited to medical expenses, past and future; physical pain and mental suffering; loss of enjoyment of life; permanent injury; damage to personal property; and lost wages and earning capacity, past and future. Defendants are liable to Plaintiff jointly and severally.

31. Plaintiff demands a trial by jury.

WHEREFORE, PLAINTIFF PRAYS:

- a. That Plaintiff have judgment against the Defendants in a reasonable sum for compensatory, general, and special damages;
- b. That a jury be empaneled to try the issues when joined; and
- c. That Plaintiff have such other and further relief as may be just, equitable, and proper.

Respectfully submitted,

THE HAMILTON FIRM

By: /s/ Patrick A. Cruise
PATRICK A. CRUISE, GA Bar # 071547
P.O. Box 158
Rossville, GA 30741
Phone: (423) 634-0871
Fax: (423) 634-0874

21-C-03452-S5

5/5/2021 2:39 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Christina Pace

CIVIL ACTION
NUMBER: 21-C-03452-S5

PLAINTIFF

VS.

Odyssey Logistics and Technology Corporation,

Odyssey Overland, LLC, and

Capital Transportation Solutions, LLC

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Odyssey Overland, LLC c/o Cody B. Gillies
5704 Veterans Parkway, Columbus, GA 31904

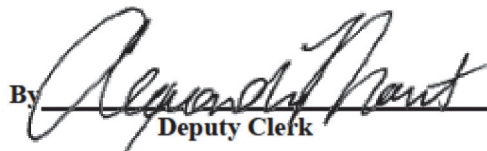
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Patrick A. Cruise
The Hamilton Firm
2401 Broad Street, Suite 102
Chattanooga, TN 37408

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 5TH day of MAY, 2021.

Tiana P. Garner
Clerk of State Court

By 
Deputy Clerk

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Christina Pace

CIVIL ACTION
NUMBER: **21-C-03452-S5**

PLAINTIFF

VS.

Odyssey Logistics and Technology Corporation,

Odyssey Overland, LLC, and

Capital Transportation Solutions, LLC

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Capital Transportation Solutions, LLC c/o Corporation Service Company
2 Sun Court, Suite 400, Peachtree Corners, GA 30092

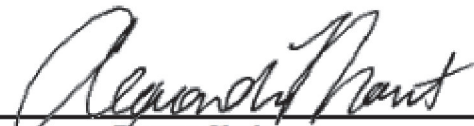
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Patrick A. Cruise
The Hamilton Firm
2401 Broad Street, Suite 102
Chattanooga, TN 37408

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IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Christina Pace

CIVIL ACTION
NUMBER: **21-C-03452-S5**

PLAINTIFF

VS.

Odyssey Logistics and Technology Corporation,

Odyssey Overland, LLC, and

Capital Transportation Solutions, LLC

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Odyssey Logistics and Technology Corporation c/o Corporation Service Company
251 Little Falls Drive, Wilmington, DE 19808

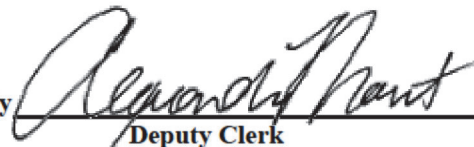
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Patrick A. Cruise
The Hamilton Firm
2401 Broad Street, Suite 102
Chattanooga, TN 37408

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This 5TH day of MAY, 2021.

Tiana P. Garner
Clerk of State Court

By 
Deputy Clerk

AFFIDAVIT OF SERVICE

State of Georgia

County of Gwinnett

State Court

Case Number: 21-C-03452-S5

Plaintiff:

Christina Pace

vs.

Defendant:

Odyssey Logistics

Technology Corporation

Odyssey Overland, LLC

Capital Transportation Solutions, LLC

For:

Patrick Cruise

The Hamilton Firm

2401 Broad Street

Suite 102

Chattanooga, TN 37408

Received by Ancillary Legal Corporation on the 5th day of May, 2021 at 4:30 pm to be served on **Odyssey Overland, LLC c/o Cody B Gillies, 5704 Veterans Parkway, Columbus, GA 31904.**

I, Kevin Williams, being duly sworn, depose and say that on the **6th day of May, 2021 at 10:12 am, I:**

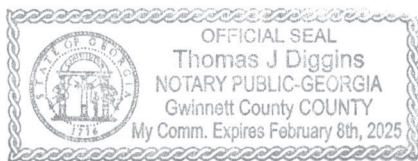
served Odyssey Overland, LLC c/o Cody B Gillies by delivering a true copy of the **Summons, Complaint** to: **Cody B. Gillies as Authorized to Accept** for **Odyssey Overland, LLC**, at the address of: **5704 Veterans Parkway, Columbus, GA 31904.**

Additional Information pertaining to this Service:

5/6/2021 10:12 am Perfected service at 5704 Veterans Parkway, Columbus, GA 31904, Cody Gillies took the document, ~age 45, male, Caucasian, ~6'4, ~225lbs, bald head no glasses

AFFIDAVIT OF SERVICE For 21-C-03452-S5

I am an agent of Ancillary Legal Corporation and am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of this action and am not related to any of the parties. I am 18 or more years of age and am authorized to serve process.



Subscribed and Sworn to before me on the 7th
day of May, 2021 by the affiant
who is personally known to me.

Thomas J. Diggins
NOTARY PUBLIC

[Signature]
Kevin Williams
Process Server

Ancillary Legal Corporation
2900 Chamblee Tucker Road
Building 13
Atlanta, GA 30341
(404) 459-8006

Our Job Serial Number: ANC-2021005176
Ref: Pace

Affidavit of Process Server

IN THE STATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA

CHRISTINA PACE

VS

ODYSSEY LOGISTICS AND TECHNOLOGY CORPORATION,
ET AL.

21-C-03452-S5

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, KEVIN S. DUNN being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service. RECEIVED 05/05/2021

Service: I served ODYSSEY LOGISTICS AND TECHNOLOGY CORPORATION

NAME OF PERSON / ENTITY BEING SERVED

with (list documents)

SUMMONS & COMPLAINT WITH JURY DEMANDby leaving with LYNANNE GARES (MANAGING AGENT) At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ BusinessC/O CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, WILMINGTON, DE 19808

ADDRESS

CITY / STATE

On

05/05/2021

AT

3:30 PM

DATE

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on _____

DATE

from _____

CITY

STATE

ZIP

Manner of Service:

☒ CORPORATE☐ Personal: By personally delivering copies to the person being served.☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Canceled by Litigant ☐ Unable to Serve in Timely Fashion☐ Address Does Not Exist ☐ Other _____

Service Attempts: Service was attempted on: (1) _____ (2) _____

DATE

TIME

DATE

TIME

(3) _____ (4) _____ (5) _____

DATE

TIME

DATE

TIME

DATE

TIME

Age 45 Sex FEMALE Race WHITE Height 5'5 Weight 180 HAIR BROWN

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 5TH day of MAY, 2021.

DENORRIS ANGELO BRITT
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires May 1, 2022

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

AFFIDAVIT OF SERVICE

Case: 21-C-03452-S5	Court: INTHE STATE COURT OF GWINNETT COUNTY	County: GWINNETT	Job: 5652443
Plaintiff / Petitioner: CHRISTIAN PACE		Defendant / Respondent: ODYSSEY LOGISTICS AND TECHNOLOGY CORPORATION ODYSSEY OVERLAND LLC AND CAPITAL TRANSPORTATION SOLUTIONS LLC	
Received by: MARGARET RUDDOCK		For: HAMILTON FIRM	
To be served upon: CAPITAL TRANSPORTATION SOLUTIONS C/O REGISTERED AGENT CORPORATION SERVICE COMPANY			

I, Margaret Ruddock, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: CAPITAL TRANSPORTATION SOLUTIONS C/O REGISTERED AGENT CORPORATION SERVICE COMPANY, COMPANY: 2 SUN COURT 400, PEACHTREE CORNERS, GA 30092

Manner of Service: Registered Agent, May 6, 2021, 1:28 pm EDT

Documents: SUMMONS, COMPLAINT (Received May 5, 2021 at 12:00am EDT)

Additional Comments:

1) Successful Attempt: May 6, 2021, 1:28 pm EDT at COMPANY: 2 SUN COURT 400, PEACHTREE CORNERS, GA 30092 received by CAPITAL TRANSPORTATION SOLUTIONS C/O REGISTERED AGENT CORPORATION SERVICE COMPANY. Other: SERVED CAPITAL TRANSPORTATION SOLUTIONS THU REGISTERED AGENT CORPORATION SERVICE COMPANY, PERSONALLY SERVED ALISHA SMITH. BLACK FEMALE, BLACK HAIR, 5-8, WW 140-150 LBS, AGE 30-40.;
Served

Subscribed and sworn to before me by the affiant who is personally known to me.

Margaret Ruddock 5/6/2021
Margaret Ruddock Date

Denine Jordan
Notary Public

5/6/2021
Date

Sept 1, 2023
Commission Expires

Denine Jordan
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 09/01/2023

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

CHRISTINA PACE

Plaintiff,

v.

ODYSSEY LOGISTICS AND
TECHNOLOGY CORPORATION;
ODYSSEY OVERLAND, LLC; and
CAPITAL TRANSPORTATION
SOLUTIONS, LLC.;

Defendants.

CIVIL ACTION

FILE NO.: 21-C-03452-S5

CONSENT MOTION TO DISMISS FEWER THAN ALL PARTIES

COME NOW Plaintiff Christina Pace and Specially Appearing Defendants Odyssey Logistics and Technology Corporation (“Odyssey Logistics”); Odyssey Overland, LLC (“Odyssey Overland”); and Capital Transportation Solutions, LLC (“Capital Transportation”); (collectively, “Defendants”), by and through their respective counsel, and pursuant to O.C.G.A. §§ 9-11-21 and 9-11-41 hereby file this Consent Motion to Dismiss Odyssey Overland and Capital Transportation from this action, without prejudice. Odyssey Overland and Capital Transportation are not proper parties to this action, and the dismissal of Odyssey Overland and Capital Transportation will not affect the claims asserted herein against the remaining defendant, Odyssey Logistics. This dismissal shall constitute a voluntary dismissal without prejudice per O.C.G.A. § 9-11-41, pretermittting recommencement as provided in the aforementioned statute.

WHEREFORE, Plaintiff and Defendants pray that the Court dismiss Odyssey Overland and Capital Transportation as parties to this action, without prejudice, leaving Odyssey Logistics as the remaining Defendant in the case. A proposed order has been submitted herewith for the Court’s consideration.

Respectfully submitted this 4th day of June, 2021.

McMICKLE, KUREY & BRANCH, LLP

THE HAMILTON FIRM

/s/ Derron B. Bowles

SCOTT W. McMICKLE

Georgia Bar No. 497779

DERRON B. BOWLES

Georgia Bar No. 928313

217 Roswell Street, Suite 200

Alpharetta, GA 30009

Telephone: (678) 824-7800

Facsimile: (678) 824-7801

Email: swm@mkblawfirm.com

dbowles@mkblawfirm.com

Attorneys for Specially Appearing

Defendants Odyssey Logistics & Technology

Corporation; Odyssey Overland, LLC; and

Capital Transportation Solutions, LLC

/s/ Patrick A. Cruise

PATRICK A. CRUISE

(signed with express permission by Derron B. Bowles)

Georgia Bar No. 071547

P.O. Box 158

Rossville, Georgia 30741

Telephone: (423) 623-0871

Facsimile: (423) 634-0874

Email: pac@thehamiltonfirm.com

Attorney for Plaintiff Christina Pace

*Christina Pace v. Odyssey Logistics & Technology Corporation; Odyssey Overland, LLC; and
Capital Transportation Solutions, LLC*

Civil Action File No.: 21-C-03452-S5

Consent Motion to Dismiss Fewer Than All Parties

CERTIFICATE OF SERVICE

This is to certify that on this date I have electronically filed the foregoing **CONSENT MOTION TO DISMISS FEWER THAN ALL PARTIES** with the Clerk of the Court using the Odyssey e-Filing system, which will automatically send a notification attaching same thereon to the following counsel of record:

Patrick A. Cruise, Esq.
The Hamilton Firm
P.O. Box 158
Rossville, Georgia 30741
Attorney for Plaintiff Christina Pace

This 4th day of June, 2021.

McMICKLE, KUREY & BRANCH, LLP

/s/ Derron B. Bowles
DERRON B. BOWLES
For the Firm

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

CHRISTINA PACE

Plaintiff,

v.

ODYSSEY LOGISTICS AND
TECHNOLOGY CORPORATION;
ODYSSEY OVERLAND, LLC; and
CAPITAL TRANSPORTATION
SOLUTIONS, LLC.;

Defendants.

CIVIL ACTION
FILE NO.: 21-C-03452-S5

[PROPOSED] ORDER DISMISSING FEWER THAN ALL PARTIES

This matter having come before the Court on the parties' Consent Motion to Dismiss Fewer Than All Parties, and the Court having considered the matter and for other good cause shown; IT IS HEREBY ORDERED that Odyssey Overland, LLC and Capital Transportation Solutions, LLC are DISMISSED without prejudice as defendants in this case. Each party shall bear his, her or its own costs with respect to Plaintiff's claims against the defendants dismissed pursuant to this Order. This dismissal shall constitute a voluntary dismissal without prejudice per O.C.G.A. § 9-11-41, pretermittting recommencement as provided in the aforementioned statute.

The clerk of the court is directed to change the caption of this case to *Christina Pace v. Odyssey Logistics & Technology Corporation*.

IT IS SO ORDERED this _____ day of _____, 2021.

Judge Pamela D. South
Judge, State Court of Gwinnett County

Prepared By:

/s/ Derron B. Bowles

DERRON B. BOWLES

Georgia Bar No. 928313

Attorney for Defendants

*Christina Pace v. Odyssey Logistics & Technology Corporation; Odyssey Overland, LLC; and
Capital Transportation Solutions, LLC*

Civil Action File No.: 21-C-03452-S5

[Proposed] Order Dismissing Fewer Than All Parties